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13 Jay Barth, James Dzurenda,
14 Dwight Neven, Jason Satterly,
15 and Anthony Warren*

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| DISTRICT OF NEVADA | |
| BY: | DEPUTY |

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 JOHN MELNIK,
13 Plaintiff,
14 vs.
15 JAMES DZURENDA, et al.,
16 Defendants.

ORDER

Case No. 3:16-cv-00670-MMD-CBC

MOTION TO EXTEND THE DEADLINE TO
FILE MOTIONS FOR SUMMARY
JUDGMENT
(First Request)

17 Defendants, Stacy Barrett, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly, and
18 Anthony Warren, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W.
19 DeLong, Deputy Attorney General, hereby move to extend the deadline to file dispositive motions in
20 this matter by 30 days because the case was recently reassigned to undersigned counsel. (See ECF No.
21 43.)

22 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff John Melnik
23 (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC). Federal Rule
24 of Civil Procedure 6(b)(1) governs enlargements of time and provides as follows:

25 When an act may or must be done within a specified time, the court
26 may, for good cause, extend the time: (A) with or without motion or
27 notice if the court acts, or if a request is made, before the original time
or its extension expires; or (B) on motion made after the time has
expired if the party failed to act because of excusable neglect.

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1 The proper procedure, when additional time for any purpose is needed, is to present a request
2 for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.
3 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
4 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
5 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,
6 May 10, 2019. (ECF No. 36 at 3.)

7 Defendants seek an enlargement of time to file dispositive motions in this matter because
8 attorney Erin L. Albright is no longer with the Office of the Nevada Attorney General, and the case has
9 recently been reassigned to undersigned counsel. (ECF No. 43.) Defendants respectfully request that the
10 deadline to file motions for summary judgment in this matter be extended for 30 days to allow for the
11 collection of declarations and evidence to file a motion for summary judgment. If granted, the new
12 deadline to file motions for summary judgment would be Monday, June 10, 2019.

13 Good cause exists to extend the time to file this motion. This request is made in good faith and
14 not for the purpose of delay. Defendants respectfully submit that none of the parties will be prejudiced
15 by the extension of time sought.

16 DATED this 10th day of May, 2019.

AARON D. FORD
Attorney General

By:

Robert W. DeLong
ROBERT W. DELONG
Deputy Attorney General
State of Nevada
Bureau of Litigation

Attorneys for Defendants

IT IS SO ORDERED

~~U.S. MAGISTRATE JUDGE~~

DATED: 5/13/2019